

Attorney Docket No.: 4257-0018.30

Applicant: Ry Wagner, et al.

Serial No.: 09/522,334

Filing Date: March 9, 2000

For: TRAIT-ASSOCIATED GENE IDENTIFICATION METHOD



**Small Entity Statement Under**

**37 CFR 1.9(f) and 1.27(c) - Small Business Concern**

I hereby declare that I am: \*

The owner of the small business concern identified below:

An official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern:

Agritope, Inc.

Address of Concern:

16160 S.W. Upper Boones Ferry Road

Portland, OR 97224-7744

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §121.12, and reproduced in 37 CFR §1.9(d), for purposes of paying reduced fees under 35 U.S.C. §41 in that the number of employees, including those of its affiliates, does not exceed 500 persons and the concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or licenses, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For this section, concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern. I hereby declare that rights under contract or law in the above-identified application have been conveyed to and remain with the small business concern identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR §1.9(d) or by any concern which would not qualify as an independent inventor under 37 CFR §1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR §1.9(d) or a nonprofit organization under 37 CFR §1.9(e).

NOTE: Separate statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

individual     small business concern     nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this statement is directed.

NAME OF PERSON SIGNING: MATTHEW G. KRAMER

TITLE OF PERSON SIGNING: V.P. PRODUCT DEVELOPMENT

ADDRESS OF PERSON SIGNING: 1610 SW UPFER BOONES FJ PORTLAND OR 97201

Signature: Matthew G. Kramer

Date: 7/11/00

## FORMALITIES LETTER



\*OC00000005120975\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
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09/522,334

03/09/2000

Ry Wagner

4257-0018.30

22918  
 IOTA PI LAW GROUP  
 350 CAMBRIDGE AVENUE SUITE 250  
 P O BOX 60850  
 PALO ALTO, CA 94306-0850



Date Mailed: 05/17/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$18.
  - \$18 for 1 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 838.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

SEARCH	3	00000004 03522324	345.00	00
EXAMINE	3	00000005 03522324	2.00	00
SEARCH	3	00000004 03522324	65.00	00
SEARCH	3	00000005 03522324	35.00	00
SEARCH	3	00000004 03522324	35.00	00

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: July 17, 2000

Docket No. 4257-0018.30

By: Jennifer Mahoney

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Wagner, et al.

SERIAL NO.: 09/522,334

FILED: March 9, 2000

FOR: TRAIT-ASSOCIATED GENE  
IDENTIFICATION METHOD



EXAMINER: Unknown

ART UNIT: 1651

*Sty*

**Response to Notice to File Missing  
Parts of Application**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. In response to the Notice to File Missing Parts mailed May 17, 2000 (copy enclosed), applicant submits the following:

- An Executed Declaration of Inventorship
- A Power of Attorney by Assignee
- A Verified Statement Claiming Small Entity Status
- a copy of an assignment recordation cover sheet (Form PTOL-1595) for assignment(s) being filed separately.

2. Conditional Petition for Extension of Time

Applicant petitions for an Extension of Time if necessary for timely filing of this Response.

3. Fee Payment

- Enclosed is a check for \$454.00 in payment of the basic filing fee (\$380.00 + \$9.00 in additional claim fees) and the surcharge for late filing of declaration or oath (\$65.00).
- Please charge any underpayment for timely filing of this Response to Deposit Account No. 04-0531.

Date: 6-17-2000

Respectfully submitted,

  
Peter J. Dehlinger  
Registration No. 28,006Correspondence Address:

Customer No. 22918

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**PATENTS ONLY**

To the Honorable Assistant Commissioner for Patents: Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

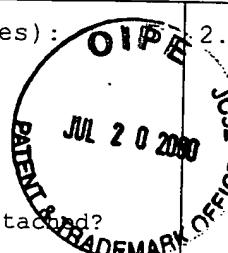
Ry Wagner  
Helena Mathews  
Xing Liang Liu  
Wendy J. Waggoner

2. Name/address of receiving party(ies):

Agritope, Inc.

Add'l names of conveying parties attached?

Yes  No



3. Nature of conveyance:  Assignment  
 Merger  Security Agreement  Other  
 Change of Name  Reassignment

16160 S.W. Upper Boones Ferry Road  
Portland, Oregon 97224-7744

4. Date of executions: 07/10/2000

Add'l names of receiving parties attached?  Yes  No

5. Application number(s) and/or patent number(s):

If this document is being filed with a new application, the date of signature by the first named inventor was: \_\_\_\_\_.

A. Patent Application No.(s)

09/522,334 filed 03/09/2000

B. Patent No.(s)

Additional numbers attached:  Yes  No

6. Name and address of party to whom correspondence concerning document should be mailed:

Iota Pi Law Group  
P.O. Box 60850  
Palo Alto, CA 94306  
(650) 324-0880

7. Total No. of applications and patents involved:  
one (1)

8. Total fee (37 CFR §3.41): \$40.00  
 Charge Deposit Account No. 04-0531

9. Total number of pages, including cover sheet, attachments and document: 5

DO NOT USE THIS SPACE

10. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Peter J. Dehlinger  
Name of Person Signing

  
Signature

7-17-2000  
Date